



Justin Brackett <justinbrackettlaw@gmail.com>

Sivongxay v. Medcah, Inc.; 1:16-cv-415 DKW-KSC; Discovery Responses Dated November 4, 2016

21 messages

Justin Brackett <justinbrackettlaw@gmail.com>

Thu, Feb 23, 2017 at 3:11 PM

To: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <jwan@m4law.com>, "Page C. K. Ogata" <pcko@m4law.com>

Counsel for Defendant,

As you are aware, your client produced none of the documents requested in Ms. Sivongxay's initial discovery requests. You assert that you will produce the documents "subject to the entry of a mutually agreeable stipulated protective order." Please provide the proposed SPO so we can move forward in discovery.

I am attaching the one we recently used in another case to assist you in drafting the SPO for this matter. I look forward to receiving the proposed SPO.

Sincerely,
Justin A. Brackett, Esq.
1888 Kalakaua Avenue, Suite C-312
Honolulu, HI 96815
(808) 377-6778

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 **Stipulated Protective Order - FINAL.docx**
38K

Justin Brackett <justinbrackettlaw@gmail.com>

Wed, Mar 1, 2017 at 10:16 AM

To: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <jwan@m4law.com>, "Page C. K. Ogata" <pcko@m4law.com>

Defense Counsel,

I have not heard from you despite my email of six days ago. I have now updated the SPO, and it is attached hereto. Please sign it and return it for my signing. I will then forward it to you for filing with the Court so we can move forward in this matter. Please feel free to call with any questions. I look forward to your response.

Sincerely,
Justin A. Brackett, Esq.
1888 Kalakaua Avenue, Suite C-312
Honolulu, HI 96815
(808) 377-6778

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Stipulated Protective Order - 3.1.17.docx
45K

Justin Brackett <justinbrackettlaw@gmail.com>

Wed, Mar 8, 2017 at 2:49 PM

To: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <jwan@m4law.com>, "Page C. K. Ogata" <pcko@m4law.com>

Defense Counsel:

As you are aware, the discovery responses were due on November 4, 2016. Further, you know that your client agreed to produce responsive, non-privileged documents, subject to a stipulated protective order. I have been requesting the turnover of the documents for weeks now, and even prepared a proposed SPO.

This is my third and final request: Please produce the requested documents, a privilege log, or advise as to whether the SPO is acceptable. Otherwise, please provide dates and times as to when you are able to Meet and Confer between now and next Tuesday, March 14, 2017.

Thanks in advance for your attention to this matter.

Sincerely,
Justin A. Brackett, Esq.
1888 Kalakaua Avenue, Suite C-312
Honolulu, HI 96815
(808) 377-6778

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Letter to Attorney Minkin in re Medcah's Refusal to Turnover Documents.docx
119K

Page C. K. Ogata <pogata@m4law.com>

Wed, Mar 8, 2017 at 5:28 PM

To: Justin Brackett <justinbrackettlaw@gmail.com>, "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>

Cc: Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Justin,

Attached please find a proposed Stipulated Protective Order in this matter. The Stipulated Protective Order that you proposed on February 23, 2017 was for a different case entirely, and needed to be edited to meet the needs of this case.

Please let us know if you have any changes that you would like to make to the Stipulated Protective Order.

Thank you,

Page C. K. Ogata

Litigation Associate | McCorriston Miller Mukai MacKinnon LLP

P.O. Box 2800

Honolulu, Hawaii 96803-2800

T: (808) 529-7312 | F: (808) 535-8032

E-mail: pogata@m4law.com

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From: Justin Brackett [<mailto:justinbrackettlaw@gmail.com>]

Sent: Wednesday, March 08, 2017 2:50 PM

To: David J. Minkin <dminkin@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Jessica M. Wan <JWan@m4law.com>; Page C. K. Ogata <pogata@m4law.com>

Subject: Re: Sivongxay v. Medcah, Inc.; 1:16-cv-415 DKW-KSC; Discovery Responses Dated November 4, 2016

[Quoted text hidden]



Medcah - Sivongxay Proposed Protective Order.DOCX

36K

Justin Brackett <justinbrackettlaw@gmail.com>

Fri, Mar 17, 2017 at 2:16 PM

To: "Page C. K. Ogata" <pogata@m4law.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Page,

I have now reviewed the document and noticed many changes from our previously agreed upon SPO form. I have updated the document and it is attached in both the track changes and final form. Please feel free to affix my signature to this updated document and file it with the Court. Feel free to respond or call with any questions.

Sincerely,

Justin A. Brackett, Esq.

1888 Kalakaua Avenue, Suite C-312

Honolulu, HI 96815

(808) 377-6778

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2 attachments



Proposed Protective Order from Medcah - Updated by JAB 3.16.17.docx
53K



Proposed Protective Order from Medcah - FINAL 3.17.17.docx
50K

Page C. K. Ogata <pogata@m4law.com>

Thu, Mar 23, 2017 at 11:18 AM

To: Justin Brackett <justinbrackettlaw@gmail.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Justin,

Attached is an edited version of a Proposed Stipulated Protective Order. We have accepted some of your tracked changes and have made some additional changes.

Please let us know if you have any questions.

Thank you,

Page C. K. Ogata

Litigation Associate | McCorriston Miller Mukai MacKinnon LLP

P.O. Box 2800

Honolulu, Hawaii 96803-2800

T: (808) 529-7312 | F: (808) 535-8032

E-mail: pogata@m4law.com

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From: Justin Brackett [mailto:justinbrackettlaw@gmail.com]
Sent: Friday, March 17, 2017 2:17 PM
To: Page C. K. Ogata <pogata@m4law.com>
Cc: David J. Minkin <dminkin@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Jessica M. Wan <JWan@m4law.com>; Tess Tynan <TTynan@m4law.com>; Liz Deluna <ed@m4law.com>

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Proposed Protective Order from Medcah - M4 edits clean.DOCX
38K

Justin Brackett <justinbrackettlaw@gmail.com> Thu, Mar 23, 2017 at 11:57 AM
To: "Page C. K. Ogata" <pogata@m4law.com>
Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Please send your track changes so I can easily see what you changed. Thanks.

- Justin A. Brackett

From: Page C. K. Ogata [mailto:pogata@m4law.com]
Sent: Thursday, March 23, 2017 11:19 AM
To: Justin Brackett <justinbrackettlaw@gmail.com>
Cc: David J. Minkin <dminkin@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Jessica M. Wan <JWan@m4law.com>; Tess Tynan <TTynan@m4law.com>; Liz Deluna <ed@m4law.com>
Subject: RE: Sivongxay v. Medcah, Inc.; 1:16-cv-415 DKW-KSC; Discovery Responses Dated November 4, 2016

[Quoted text hidden]

Justin Brackett <justinbrackettlaw@gmail.com>

Thu, Mar 23, 2017 at 11:57 AM

To: "Page C. K. Ogata" <pogata@m4law.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Please send your track changes so I can easily see what you changed. Thanks.

- Justin A. Brackett

From: Page C. K. Ogata [mailto:pogata@m4law.com]

Sent: Thursday, March 23, 2017 11:19 AM

To: Justin Brackett <justinbrackettlaw@gmail.com>

Cc: David J. Minkin <dminkin@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Jessica M. Wan <JWan@m4law.com>; Tess Tynan <TTynan@m4law.com>; Liz Deluna <ed@m4law.com>

Subject: RE: Sivongxay v. Medcah, Inc.; 1:16-cv-415 DKW-KSC; Discovery Responses Dated November 4, 2016

[Quoted text hidden]

Page C. K. Ogata <pogata@m4law.com>

Thu, Mar 23, 2017 at 2:00 PM

To: Justin Brackett <justinbrackettlaw@gmail.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Justin,

Attached please find a document that indicates our proposed changes to the SPO.

Thank you,

Page C. K. Ogata

Litigation Associate | McCorriston Miller Mukai MacKinnon LLP

P.O. Box 2800

Honolulu, Hawaii 96803-2800

T: (808) 529-7312 | F: (808) 535-8032

E-mail: pogata@m4law.com

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From: Justin Brackett [mailto:justinbrackettlaw@gmail.com]
Sent: Thursday, March 23, 2017 11:57 AM
To: Page C. K. Ogata <pogata@m4law.com>
Cc: David J. Minkin <dminkin@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Jessica M. Wan <JWan@m4law.com>; Tess Tynan <TTynan@m4law.com>; Liz Deluna <ed@m4law.com>

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 **COMPARE MEDCAH SPOs.DOCX**
43K

Justin Brackett <justinbrackettlaw@gmail.com> Thu, Apr 6, 2017 at 2:11 PM
To: "Page C. K. Ogata" <pogata@m4law.com>
Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Looks good. Please affix my e-signature and file it with the court.

Sincerely,
Justin A. Brackett, Esq.
1888 Kalakaua Avenue, Suite C-312
Honolulu, HI 96815
(808) 377-6778

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[Quoted text hidden]

Justin Brackett <justinbrackettlaw@gmail.com>

Tue, Apr 11, 2017 at 7:19 AM

To: "Page C. K. Ogata" <pogata@m4law.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Now that the SPO has been entered in this case, I again request, as I did on March 8, 2017 (see March 8, 2017 letter, attached again hereto) all of the requested documents be turned over immediately. Please advise as to when the documents will be provided to my office. Thanks in advance.

Sincerely,
Justin A. Brackett, Esq.
1888 Kalakaua Avenue, Suite C-312
Honolulu, HI 96815
(808) 377-6778

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Letter to Attorney Minkin in re Medcah's Refusal to Turnover Documents.docx
125K

Page C. K. Ogata <pogata@m4law.com>

Tue, Apr 11, 2017 at 4:14 PM

To: Justin Brackett <justinbrackettlaw@gmail.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Tess Tynan <TTynan@m4law.com>, Liz Deluna <ed@m4law.com>

Justin,

Due to scheduling issues as well as the upcoming the holiday, we will begin a rolling production next week.

Thank you,

Page C. K. Ogata

Litigation Associate | McCorriston Miller Mukai MacKinnon LLP

P.O. Box 2800

Honolulu, Hawaii 96803-2800

T: (808) 529-7312 | F: (808) 535-8032

E-mail: pogata@m4law.com

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From: Justin Brackett [<mailto:justinbrackettlaw@gmail.com>]

Sent: Tuesday, April 11, 2017 7:19 AM

To: Page C. K. Ogata <pogata@m4law.com>

Cc: David J. Minkin <dminkin@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Jessica M. Wan <JWan@m4law.com>; Tess Tynan <TTynan@m4law.com>; Liz Deluna <ed@m4law.com>

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[Quoted text hidden]

Justin Brackett <justinbrackettlaw@gmail.com>

Tue, Apr 11, 2017 at 6:18 PM

To: "Page C. K. Ogata" <pogata@m4law.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

Page,

I'm certain you have had the documents for a significant amount of time since so much time has passed since you knew we were working on the SPO and much more has passed since you were originally served the discovery requests. Deadlines are approaching. Please produce the documents this week or provide times you are available for a meet and confer.

Sincerely,
Justin A. Brackett
[Quoted text hidden]
--
[Quoted text hidden]

Justin Brackett <justinbrackettlaw@gmail.com> Wed, Apr 12, 2017 at 10:00 AM
To: "Page C. K. Ogata" <pogata@m4law.com>
Cc: "David J. Minkin" <dminkin@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

Page,

Do you have a few minutes available to Meet and Confer today?

Thanks,
Justin A. Brackett
[Quoted text hidden]

Page C. K. Ogata <pogata@m4law.com> Wed, Apr 12, 2017 at 4:32 PM
To: Justin Brackett <justinbrackettlaw@gmail.com>
Cc: "David J. Minkin" <dminkin@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

Justin,

There is absolutely no reason to meet and confer at this juncture. Based on a prior email in another matter, we understand that you are not in Hawaii from March 27 to April 17. This rush attempt to meet and confer appears to be yet another unnecessary attempt to generate fees.

We remind you that at the Rule 16 Scheduling Conference, which you failed to attend, the Court set our discovery deadline for approximately six (6) months from now, October 6, 2017. We understand our discovery obligations and to accommodate your request to immediately start production rather than waiting until next week, we will begin our rolling production tomorrow. In addition, as necessary, we will supplement our production pursuant to our discovery obligations.

Regards,

Page C. K. Ogata

Litigation Associate | McCorriston Miller Mukai MacKinnon LLP

P.O. Box 2800

Honolulu, Hawaii 96803-2800

T: (808) 529-7312 | F: (808) 535-8032

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From: Justin Brackett [<mailto:justinbrackettlaw@gmail.com>]

Sent: Wednesday, April 12, 2017 10:01 AM

To: Page C. K. Ogata <pogata@m4law.com>

Cc: David J. Minkin <dminkin@m4law.com>; Jessica M. Wan <JWan@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Liz Deluna <ed@m4law.com>; Tess Tynan <TTynan@m4law.com>

[Quoted text hidden]

[Quoted text hidden]

Justin Brackett <justinbrackettlaw@gmail.com>

Thu, Apr 13, 2017 at 6:20 AM

To: "Page C. K. Ogata" <pogata@m4law.com>

Cc: "David J. Minkin" <dminkin@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

Page,

I never rush things to "generate fees". I simply follow the rules and expect your office to do the same. Your firm was recently sanctioned for such conduct. Although I expected that would correct future conduct, but it does not appear to be doing so in this case. Although I am off island, you know we can conduct a Meet and Confer telephonically anytime and from anywhere.

The discovery responses were due last November. It is six months later now and you still have not produced ANY responsive documents. The date to amend the Complaint or add additional parties is set for May 5, 2017. Are you prepared to stipulate to an Amended Scheduling Order pushing all dates back for an additional six months since your client is now having difficulties producing documents it was made aware of over six months ago?

Otherwise, I request you turnover all responsive documents today, or tomorrow at the latest. Also, I request a time next week as a Meet and Confer date to discuss any missing responsive documents after your production today and/or tomorrow. The SPO has been in effect for days now. There is no excuse for your continued failure to produce documents in this matter.

Sincerely,
Justin A. Brackett, Esq.
1888 Kalakaua Avenue, Suite C-312

Honolulu, HI 96815
(808) 377-6778

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[Quoted text hidden]

Justin Brackett <justinbrackettlaw@gmail.com>

Fri, Apr 28, 2017 at 4:09 PM

To: "David J. Minkin" <dminkin@m4law.com>

Cc: "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

David,

When can I expect the next set of documents to be turned over in this matter? Also, Ms. Sivongxay has recently explained to me that your client has been calling her regularly since this case has been filed, which, as you know, is a violation of 15 U.S.C. 1692c(a)(2).

Please advise:

- 1) when Medcah will be producing the remaining missing documents sought in the discovery served upon your office on October 5, 2016 or when you do have time next week to Meet and Confer regarding the documents; and
- 2) will you stipulate to the amendment of the complaint (proposed Amended Complaint is attached).

Have a great weekend and I look forward to your reply.

Sincerely,
Justin A. Brackett, Esq.
1888 Kalakaua Avenue, Suite C-312
Honolulu, HI 96815
(808) 377-6778

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Amended Complaint Against Medcah - FINAL.docx
51K

David J. Minkin <dminkin@m4law.com> Fri, Apr 28, 2017 at 4:11 PM
To: Justin Brackett <justinbrackettlaw@gmail.com>
Cc: "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

Justin:

Please identify the changes to the complaint via redline. Thank you.

From: Justin Brackett [mailto:justinbrackettlaw@gmail.com]
Sent: Friday, April 28, 2017 4:10 PM
To: David J. Minkin <dminkin@m4law.com>
Cc: Jessica M. Wan <JWan@m4law.com>; Jordan K. Inafuku <JInafuku@m4law.com>; Liz Deluna <ed@m4law.com>; Tess Tynan <TTynan@m4law.com>
Subject: Re: Sivongxay v. Medcah, Inc.; 1:16-cv-415 DKW-KSC; Discovery Responses Dated November 4, 2016

David,

When can I expect the next set of documents to be turned over in this matter? Also, Ms. Sivongxay has recently explained to me that your client has been calling her regularly since this case has been filed, which, as you know, is a violation of 15 U.S.C. 1692c(a)(2).

Please advise:

1) when Medcah will be producing the remaining missing documents sought in the discovery served upon your office on October 5, 2016 or when you do have time next week to Meet and Confer regarding the documents; and

2) will you stipulate to the amendment of the complaint (proposed Amended Complaint is attached).

Have a great weekend and I look forward to your reply.

Sincerely,

Justin A. Brackett, Esq.

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Honolulu, HI 96815

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On Thu, Apr 13, 2017 at 6:20 AM, Justin Brackett <justinbrackettlaw@gmail.com> wrote:

Page,

I never rush things to "generate fees". I simply follow the rules and expect your office to do the same. Your firm was recently sanctioned for such conduct. Although I expected that would correct future conduct, but it does not appear to be doing so in this case. Although I am off island, you know we can conduct a Meet and Confer telephonically anytime and from anywhere.

The discovery responses were due last November. It is six months later now and you still have not produced ANY responsive documents. The date to amend the Complaint or add additional parties is set for May 5, 2017. Are you prepared to stipulate to an Amended Scheduling Order pushing all dates back for an additional six months since your client is now having difficulties producing documents it was made aware of over six months ago?

Justin Brackett <justinbrackettlaw@gmail.com>

Fri, Apr 28, 2017 at 4:32 PM

To: "David J. Minkin" <dminkin@m4law.com>

Cc: "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

I have highlighted the changes in the attached copy.

Sincerely,

Justin A. Brackett, Esq.

1888 Kalakaua Avenue, Suite C-312

Honolulu, HI 96815

(808) 377-6778

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Justin A. Brackett, Esq.

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Honolulu, HI 96815

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Amended Complaint Against Medcah - highlighted changes.docx

51K

Justin Brackett <justinbrackettlaw@gmail.com>

Tue, May 2, 2017 at 7:14 AM

To: "David J. Minkin" <dminkin@m4law.com>

Cc: "Jessica M. Wan" <JWan@m4law.com>, "Jordan K. Inafuku" <JInafuku@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

David,

Your firm previously agreed to a "rolling production" of documents on April 11, 2017. To date I have only received the first set of documents. Please advise as to when I will be receiving the next set. Thanks in advance.

Sincerely,

Justin A. Brackett, Esq.

1888 Kalakaua Avenue, Suite C-312

Honolulu, HI 96815

(808) 377-6778

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Jordan K. Inafuku <JInafuku@m4law.com> Wed, May 3, 2017 at 3:14 PM
To: Justin Brackett <justinbrackettlaw@gmail.com>
Cc: "David J. Minkin" <dminkin@m4law.com>, "Jessica M. Wan" <JWan@m4law.com>, Liz Deluna <ed@m4law.com>, Tess Tynan <TTynan@m4law.com>

Justin,

We were able to obtain, review, and produce all responsive documents in Medcah's possession, and we produced them all on April 13, 2017. If we find additional responsive documents, we will supplement our production pursuant to our discovery obligations.

Thank you,

Jordan K. Inafuku

Associate | McCorriston Miller Mukai MacKinnon LLP

T. (808) 529-7355 | F. (808) 535-8072

jinafuku@m4law.com

P.O. Box 2800

Honolulu, Hawaii 96813-2800

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